

Message Text

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ACTION L-03

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E.O. 11652: N/A

TAGS: PFOR, CPRS, BF

SUBJECT: HOWARD R. HUGHES: LOCAL INJUNCTION AND DECLARATION

REF: STATE 17638: NASSAU 162

HEREWITH IS TEXT OF NOTTAGE AFFIDAVIT

BEGIN TEXT: IN THE MATTER OF HOWARD R. HUGHES AND
IN THE MATTER OF THE BAHAMAS INDEPENDENCE ORDER, 1973
AFFIDAVIT IN SUPPORT OF ORIGINATING SUMMONS

I, KENDALL WELLINGTON NOTTAGE OF THE CITY OF FREEPORT IN
THE ISLAND OF GRAND BAHAMAS ONE OF THE ISLANDS OF THE COMMON-
WEALTH OF THE BAHAMAS, COUNSEL AND ATTORNEY OF THE SUPREME
COURT OF THE COMMONWEALTH OF THE BAHAMAS MAKE OATH AND SAY
AS FOLLOWS:-

1. THAT I AM A MEMBER OF THE LAW FIRM OF KENDAL NOTTAGE
& CO, ATTORNEYS FOR THE APPLICANT HEREIN.

2. THAT I AM INFORMED THAT ON THE 27TH DAY OF DECEMBER,
A.D. 1973 AN "INDICTMENT" WAS FILED IN THE UNITED STATES
DISTRICT COURT OF THE DISTRICT OF NEVADA IN WHICH IT IS
ALLEGED THAT THE APPLICANT HAS VIOLATED SECTIONS 2, 3, 4,
371 AND 1343 OF TITLE 18 OF THE UNITED STATES CODE AND
SECTIONS 781(A) (2); 78K(B) AND 78FF OF TITLE 15 OF THE
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UNITED STATES CODE WHICH ARE MORE SPECIFICALLY DESCRIBED

IN THE CERTIFIED COPY OF THE SAID "INDICTMENT" ATTACHED
TO THE SUMMONS FILED HEREIN AND MARKED EXHIBIT HH.1.

3. THAT I AM INFORMED THAT THE RETURN DATE FOR THE SAID
"INDICTMENT" IS FRIDAY THE 25TH DAY OF JANUARY, A.D. 1974
AT 9:30 AM AT WHICH TIME THE APPLICANT WILL BE CALLED
UPON TO ANSWER THE SAID CHARGES LAID IN THE SAID "INDICTMENT".

4. THAT I HAVE BEEN INFORMED THAT A MOTION TO DISMISS THE
"INDICTMENT" HAS BEEN FILED BY THE ATTORNEYS FOR THE APPLICANT
IN THE SAID UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA ON THE GROUNDS THAT, INTER ALIA, THE
SAID "INDICTMENT" AND EACH OF THE COUNTS THEREOF DO NOT
STATE FACTS SUFFICIENT TO CONSTITUTE ANY OFFENCES OR ANY
CRIMES AGAINST THE UNITED STATES OF AMERICA A COPY OF WHICH
MOTION TO DISMISS IS ATTACHED HERETO AND MARKED EXHIBIT
KWN.1 FOR IDENTIFICATION.

5. THAT A MEMORANDUM OF RELEVANT POINTS OF LAW AND LEGAL
AUTHORITIES OF CASE LAW IN SUPPORT OF THE SAID MOTION TO
DISMISS WAS FILED IN THE SAID UNITED STATES DISTRICT COURT
OF THE DISTRICT OF NEVADA ON THE 22ND DAY OF JANUARY A.D,
1974 A CERTIFIED COPY OF WHICH IS HERETO ATTACHED AND
MARKED EXHIBIT KWN.2 FOR IDENTIFICATION.

6. THAT I OBTAINED THE WRITTEN OPINION OF COUNSEL DULY
ADMITTED TO PRACTICE WITHIN THE JURISDICTION OF THE SAID
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
TOUCHING THE QUESTION OF LAW RAISED IN THE SAID MOTION TO
DISMISS AND IT IS THEREIN STATED THAT IN COUNSEL'S VIEW
NO OFFENCE OR CRIME AGAINST THE UNITED STATES OF AMERICA
HAS BEEN VALIDLY CHARGED AGAINST THE APPLICANT. A COPY
OF THE SAID OPINION IS ATTACHED HERETO AND MARKED EXHIBIT
KWN.3 FOR IDENTIFICATION.

7. THAT I HAVE BEEN RELIABLY INFORMED AND VERILY BELIEVE
THAT THE GOVERNMENT OF THE UNITED STATES OF AMERICA INTENDS
IMMINENTLY AND IMMEDIATELY TO REQUISITION THE GOVERNMENT
OF THE BAHAMAS IN PURSUANCE OF THE EXTRADITION ACT, 1870 TO
CAUSE A MAGISTRATE OF THE COMMONWEALTH OF THE BAHAMAS TO
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ISSUE A WARRANT FOR THE ARREST OF THE APPLICANT FOR THE
PURPOSE OF SURRENDERING HIM TO THE GOVERNMENT OF THE UNITED
STATES OF AMERICA THROUGH EXTRADITION PROCEEDINGS.

8. THAT I AM FURTHER RELIABLY INFORMED THAT THE SAID
GOVERNMENT OF THE UNITED STATES OF AMERICA HAS RETAINED
BAHAMIAN COUNSEL AND ATTORNEYS FOR THE PURPOSE OF MAKING
REPRESENTATIONS ON ITS BEHALF IN THE ANTICIPATED EXTRADITION

PROCEEDINGS.

9. THAT I ALSO BELIEVE AND DEPOSE THAT ANY ACTION BY THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS IN PURSUANCE OF ANY REQUEST BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE SURRENDER OF THE APPLICANT BEFORE THE QUESTIONS OF LAW AS TO WHETHER THE SAID "INDICTMENT" STATES OR ALLEGES FACTS SUFFICIENT TO CONSTITUTE ANY CRIMES OR ANY OFFENCES AGAINST THE UNITED STATES OF AMERICA IS ADJUDGED BY THE SAID UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA WILL BE A VIOLATION OF THE BASIC AND FUNDAMENTAL CONSTITUTIONAL RIGHTS OF THE PERSONAL LIBERTY OF THE APPLICANT AS ENSHRINED IN ARTICLE 15 OF THE BAHAMAS INDEPENDENCE ORDER 1973 AND MORE PARTICULARLY IN VIOLATION OF ARTICLE 19(1) OF THE SAID ORDER WHICH PROTECTS THE APPLICANT FROM ARBITRARY ARREST OR DETENTION.

10. THAT I VERILY BELIEVE THAT IF SUCH VIOLATION AS RECITED IN PARAGRAPH 9 HEREOF OCCURS IRREPARABLE DAMAGE WILL BE DONE TO THE APPLICANT IN HIS CHARACTER AND REPUTATION AS A BUSINESS EXECUTIVE AND OTHERWISE AND WILL BRING HIM INTO PUBLIC SCANDAL ODIUM RIDICULE AND CONTEMPT.

11. THAT I VERILY BELIEVE THAT THIS MATTER FILED HEREIN IS OF GREAT URGENCY TO PRESERVE AND PROTECT THE PERSONAL LIBERTY OF THE APPLICANT AND IS OF THE HIGHEST CONSTITUTIONAL IMPORTANCE.

12. THAT I MAKE THE ABOVE STATEMENTS OF MY OWN KNOWLEDGE BELIEVING THEM TO BE TRUE. END TEXT.
SPIERS

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